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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

DIVINE, LUCAS

ART UNIT PAPER NUMBER

2624

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/709,486

Applicant(s)

STEWART ET AL.

Examiner

Lucas Divine

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-28 and 31-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-28 and 31-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/23/05 has been entered.

Response to Amendment

2. Claims 21 – 28 and 31 – 42 are pending.

Response to Arguments

3. Applicant's arguments with respect to claims 21 – 28 and 31 – 40 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 21, 27, 28, 36 – 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osada et al. (US 6600569) and Salas et al. (US 6314408).

Regarding claims 21, 28, 36 and 38 – 40, Salas teaches a method of uploading (col. 11 lines 39-46; 610 of Fig. 6; col. 12 line 44 which is included in the upload process discussed in

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col. 12 line 38 – col. 13 line 53) a print file (Fig. 4 ref. no. 490, 486, 488; col. 5 lines 13-16, wherein these are files that can be printed) from a client (12', Figs. 1 and 3) to a server (14, Fig. 1) via a network (col. 1 lines 15-20, col. 2 lines 40-42, Fig. 1 shows the networked computers).

Further, the specific uploading includes:

Client generates an upload begin request, it is transferred to the server, and the server receives it (col. 12 lines 45-47, wherein the dragging creates the command that is sent to the server in col. 12 lines 62-65 to indicated an upload request) before actually uploading occurs (command 710 is sent before file is transferred at 712, Fig. 7).

Server executes upload begin request (col. 13 line 1), launches the object (col. 13 lines 1-2), creates an id for the object and associated file (col. 13 lines 2 and 7-14, wherein metadata describing the file is created and the file, object, and metadata are associated, which must be done with some kind of code identification).

The server must transmit the upload begin response and the client must receive it (with the identification) for the below steps to take place.

Client generates, transmits, and server receives: upload request, identification, and data (after the new object is created with associated identifying metadata the file is uploaded using HTTP [col. 13 lines 1-3] – the HTTP uploading process includes the HTTP POST command [upload request; col. 13 lines 40-53] that includes the identification [col. 13 line 46, wherein identification of the data must be included and take place in order to associate it with the created object at the server] and the file data [col. 13 line 48]).

Salas teaches using web standards (HTML, Java, ActiveX, Internet Explorer, HTTP, ODBC) and in col. 12 lines 48-50 allows the uploading process to be completed by any suitable

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Web process and transmission is done via HTTP (col. 13 line 3, step 712 of Fig. 7) and Salas teaches print files that are known to be generated by applications (Fig. 4, ref. no. 486, 488, 490, wherein notes generally created by NOTEPAD or WORDPAD, the others being known as created in MICROSOFT EXCEL and WORD).

Salas does not specifically teach that the print file is a file generated by a print driver by a print command or a specific upload manager on the client.

Osada teaches a system for uploading print files to a server (Fig. 15 shows the system, client 109 and server [110, wherein the printer performs all standard server functionality since file reception, storage, analysis, and dispatch are performed by it] – see also the description of Fig. 15 for more details) including the ability to transfer print files directly from applications (1501 to 1507, Fig. 15) and print files that have been generated by the printer driver 1502 (1501 to 1502 to 1507, Fig. 15). Also, Osada teaches an upload manager that automatically uploads the print file over a network to a server (Fig. 15 ref. no. 1504, wherein the file is uploaded from I/F driver unit 1504 which is acting as an upload manager by uploading the file via communication 1518 to a server).

It would have been obvious to one of ordinary skill in the art that not only the editing and viewing functions would want to be shared in the system of Salas, but also printing options. Thus, the remote users could view and print the file directly without having a local print driver. Further, it would have been obvious to one of ordinary skill in the art that in order to control the upload of the information at the client side, an upload manager such as the interface of Osada would have been beneficial, if not inherent to the client of Salas. Having a network interface to

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perform the synchronization and correct transmitting of files/packets is beneficial in the correct transmission and interfacing of network communications.

Regarding claims 27 and 37, which depends from claim 21 and 36, Salas teaches the client receiving the request (dragging and dropping into the browser) and generates and transmits the request as discussed in the rejection to claim 21 (col. 12 lines 45-47, wherein the dragging creates the command that is sent to the server in col. 12 lines 62-65 to indicated an upload request) before actually uploading occurs (command 710 is sent before file is transferred at 712, Fig. 7). In the combination this would have been done by the upload manager (network interface) of Osada.

Regarding claim 41, which depends from claim 21, Osada teaches that print files can be in the PDL format (203 Fig. 2; 1512 Fig. 15; col. 4 line 40).

Regarding claim 42, which depends from claim 36, Salas teaches that the server is a web server (Figs. 9-12 show working with stuff on the server via the web, see also col. 1 lines 15-25)

5. Claims 22 – 26 and 31 – 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salas and Osada as applied to claims 21 and 28 above, and further in view of Tech-Pro TCP/IP Basics (http://www.tech-pro.net/intro_tcp.html).

Regarding claims 22 and 31, which depends from claims 21 and 28, Salas teaches the data uploaded is stored in the server database (col. 2 lines 43-67) and in a packet environment such as that of Salas (www, http), the response of a successfully completed packet must be transmitted back to the client to determine whether or not to retry the failed packet.

*Tech-Pro reference is brought in to show proof of packet TCP/IP transmission specifics as claimed as inherent to that of the Salas reference. The whole article is supportive, but Examiner wishes to bring applicant's attention to **Transmission Control Protocol, Making a connection, Data Transmission, and Error Correction** headings and their description. Under these headings, the acknowledgements (responses and requests) as well as error checking and transmission retries are discussed and explained as inherently part of the TCP/IP World Wide Web system and thus would have been inherent to the transferring taught in the WWW/HTTP system of Salas.*

Regarding claims 23 – 25, 33 – 35, which depend from claims 28 and 31, Salas further teaches the interactions between client and server to determine transmission/connection errors and failures and having to try again later (col. 11 lines 19-24, wherein trying later would be a **resume**) including that transmitting can have 'too many errors' (predetermined number) and cause a interaction failure (col. 11 line 22). Further, it is known (and thus Salas must provide in the World Wide Web/http networks) for packets transmitted via networks to have checksums in order to indicate errors as well as sequence numbers and acknowledge signals to indicate whether a certain packet (part of a file) has not been transmitted correctly.

Regarding claims 26 and 32, which depend from claims 21 and 31, Salas teaches storing the file in a network database (col. 2 lines 43-67) and that the server knows the upload is complete (which must happen through some indication from the client) in order to update metadata associated with object and file (col. 12 lines 27-30).

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucas Divine whose telephone number is 571-272-7432. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lucas Divine
Examiner
Art Unit 2624

ljd



KING Y. POON
PRIMARY EXAMINER